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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/507,335

09/10/2004

Frithiof Jensen

P15230-US1

2856

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7590

12/16/2008

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EXAMINER

GARY, ERIKA A

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

12/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/507,335	Applicant(s) JENSEN, FRITHIOF	
	Examiner Erika A. Gary	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/6/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-31 are rejected under 35 U.S.C. 103(a) as being anticipated by Arrow et al., US Patent Number 6,226,751 (hereinafter Arrow) in view of prior art made of record in the previous Office Action, Houh, US Patent Application Publication Number 2002/0016937 (hereinafter Houh).

Regarding claims 18 and 24, Arrow discloses a method of coding data in a data package in a data stream, said data package containing information on a source of origin and a destination for the data package, wherein the coding takes place in a coding system containing a plurality of coding algorithms for processing the data package, wherein: an identification system attaches information to the data package, said information being provided from said information on the source of origin of the data package and its destination; the coding system utilizes said attached information to select one of said plurality of coding algorithms for processing the data package; and the coding system codes said data according to the selected coding algorithm [col. 5: lines 14-20; col. 7: lines 16-45, 65-67; col. 10: lines 26-30].

What Arrow does not specifically disclose is the coding algorithms are encoder/decoder (CODEC) algorithms. However, Houh teaches this limitation [paragraphs 0039, 0045-0046, 0050, 0055].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Arrow to include Houh. The motivation for this modification would have been to specifically point out the type of coding algorithm used based on design criteria of the system using the data stream.

Regarding claims 19 and 25, Arrow discloses said data package is formed by an Internet protocol [col. 6: lines 44-48].

Regarding claims 20 and 26, Arrow discloses the source of origin and the destination comprise Internet protocol addresses [col. 7: lines 16-17; col. 11: lines 13-14].

Regarding claims 21-22 and 27-28, Arrow and Houh do not specifically disclose that the coding algorithm is of a type which can be coded in a GSM or UMTS. However, the Examiner takes Official Notice that it is well known in the art to use coding algorithms in various communication systems, including GSM or UMTS. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the combination of Arrow and Houh to include this feature. The motivation for this modification would have been a matter of design choice for the type of communication system used.

Regarding claims 23 and 29, Houh discloses the CODEC algorithm is of a type which can be coded in a PSTN system [paragraphs 0038-0039].

Regarding claim 30, Arrow discloses means for indexing a coding algorithm from an identification mark [col. 7: lines 16-45].

Regarding claim 31, Arrow suggests the circuit comprises a digital signal processor [col. 5: lines 14-20; col. 10: lines 26-30; it is inherent for circuits to comprise a digital signal processor].

Response to Arguments

3. Applicant's arguments with respect to claims 18-31 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that Arrow does not teach attaching source and destination information to the data package and using this information to select a coding algorithm. However, the Examiner respectfully disagrees and maintains that Arrow teaches this limitation. The source and destination addresses for the data packet are attached to the data packet and this information is used to select a coding algorithm [col. 7: lines 16-45].

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/EAG/
December 8, 2008

/Erika A. Gary/
Primary Examiner, Art Unit 2617